

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF  
JUANITA DURR IN THE AMOUNT OF  
\$6,770.00 AGAINST THE CITY OF  
ATLANTA ARISING FROM A STORM  
SEWER OVERFLOW**

**01-R-1777**

**WHEREAS**, JUANITA DURR has filed a claim against the City of Atlanta seeking damages arising out of a storm water overflow to her property located at 2599 Oldknow Drive, NW; and

**WHEREAS**, property owned by JUANITA DURR has been damaged due to a storm water and storm sewer overflow caused by inadequate storm water channels and blocked storm drains during heavy rainfall; and

**WHEREAS**, the City of Atlanta was on notice of said nuisance since 1999 and has been in the process of abating said nuisance; and

**WHEREAS**, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, the claimant has asserted damages in the amount of \$6,770.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of JUANITA DURR, be settled for the sum of \$6,770.00.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$6,770.00 be paid by the City of Atlanta to JUANITA DURR, in satisfaction of any and all claims she may have stemming from damages sustained to her property on or about April 4, 2001, at 2599 Oldknow Drive, NW, and that the City Attorney prepare appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

*Rhonda Dayshin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

NOV 05, 2001

NOV 14, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0569

Date: October 16, 2001

Claimant /Victim JUANITA DURR  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2599 Oldknow Drive, NW, Atlanta, Georgia 303186  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 6,770.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8/30/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/4/01 Place: 2599 Oldknow Drive, NW  
Department PUBLIC WORKS Division Technical Services - Infrastructure  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that she sustained damages when her basement was flooded due to storm water runoff and storm drain overflow. An investigation determined that in 1999, the City was placed on notice of said storm water problem in the Centerhill area, which includes Oldknow Drive, NW, and a storm drainage improvement project has been approved and is already underway to remedy the problem.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

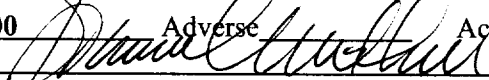
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 6,770.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-18-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3222  
11/05/01  
3:31 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 15

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-1591  
01-O-1696  
01-O-1698  
01-O-1712  
01-R-1595  
01-R-1786  
01-R-1793

CONSENT

**11/05/01 Council Meeting**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-1703
2. 01-O-1671
3. 01-O-1664
4. 01-R-1667
5. 01-R-1729
6. 01-R-1745
7. 01-R-1777
8. 00-R-0820
9. 01-R-1682
10. 01-R-1782
11. 01-R-1706
12. 01-R-1708
13. 01-R-1709
14. 01-R-1730
15. 01-R-1746
16. 01-R-1791
17. 01-R-1748
18. 01-R-1749
19. 01-R-1750
20. 01-R-1751
21. 01-R-1752
22. 01-R-1753
23. 01-R-1754
24. 01-R-1755
25. 01-R-1756

**ITEMS ADVERSED ON  
CONSENT AGENDA**

26. 01-R-1757
27. 01-R-1758
28. 01-R-1759
29. 01-R-1760
30. 01-R-1761
31. 01-R-1762
32. 01-R-1763
33. 01-R-1764
34. 01-R-1765
35. 01-R-1766
36. 01-R-1767
37. 01-R-1768
38. 01-R-1769
39. 01-R-1770
40. 01-R-1771
41. 01-R-1772
42. 01-R-1773
43. 01-R-1774
44. 01-R-1775
45. 01-R-1776

01-~~P~~-1777

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A RESOLUTION

BY PUBLIC SAFETY & LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING  
THE SETTLEMENT OF THE  
CLAIM OF JUANITA DURR IN  
THE AMOUNT OF \$6,770.00  
AGAINST THE CITY OF  
ATLANTA ARISING FROM A  
STORM SEWER OVERFLOW.

By:

*Robert N. Godfrey*  
Robert N. Godfrey  
Deputy City Attorney

ADAPTED BY

NOV 05 2001

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

Committee  
Date  
Chair  
Referred to

Public Safety

Public Safety

Committee

Public Safety

Date

10-30-01

Chair

*W. V. Anderson*

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

*James*

Refer To

*Darryl*

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

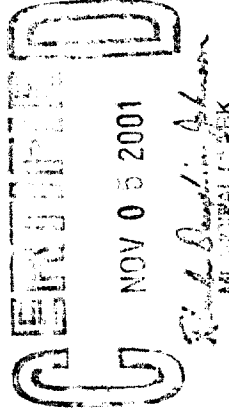
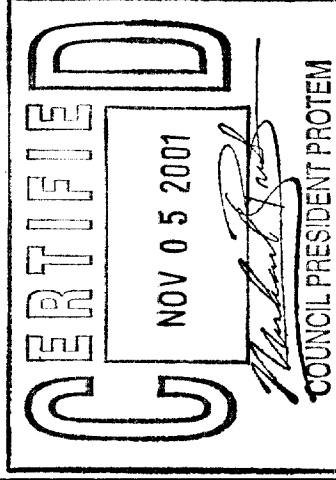
FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

NOV 14 2001